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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/499,592	02/07/2000	James P. Jackson	988.1112	1483

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THE CULBERTSON GROUP, P.C.
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SUITE 420
AUSTIN, TX 78746

EXAMINER

NGUYEN, DAT

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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06/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/499,592

Applicant(s)

JACKSON ET AL.

Examiner

Dat T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-34 and 71-103 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-34 and 71-103 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This office action is responsive to the amendments filed on 04/04/2007 in which applicant amends each of the independent claims, claims 27, 71, 73, 74, 76 and 77-81, and responds to claim rejections. Claims 24-34 and 71-103 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 24-31, 33, 71-78, 80, 82-89, 91, 93-100 and 102 are rejected under 35 U.S.C. 102(b) as being anticipated by Weingardt et al. (US 5,275,400).

Regarding claim 24, 26-31, 33, 71, 73-78, 83, 85-89, 94, 96-100:

Weingardt teaches an electronic game of chance wherein players are provided the opportunity to win multiple progressive awards based on their wager amount and the game outcome. The play of the game is as follows: player initiates play of a game of chance with rotating reels such as a conventional fruit type slot machine or a electronic poker machine which activates a payline through the combination of symbols (fig. 1 and 6:35-45) by wagering a number of credits. Based on the credits wagered the player may only be eligible for a certain number of progressive jackpots, however should the player wager the maximum bet amount, the player is awarded the big progressive jackpot as well as the smaller progressive jackpot (fig. 4 and the detailed

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description thereof). The progressive jackpot pools are funded a portion of the player's wager as is well known and understood to one of ordinary skill in the art by the definition of a progressive or para-mutual jackpot. The larger jackpot receives a larger increase than the smaller jackpot since it would be necessary to keep the larger jackpot enticing to players (4:30-67 and columns 9-11). After a jackpot has been hit, it is then reset to some minimal value to entice players to continue to play else players would be disinterested in playing if jackpots were reset to some zero or low amount (5:45-67) and the reset value of the smaller jackpot is smaller than the reset value of the larger jackpot (fig. 4). The game system of Weingardt is a system of linked gaming machines wherein all players on the system are eligible for play of the jackpot as well as their wagers being contributed towards said jackpot (abstract, 3:45-67 and 4:30-67).

Regarding claim 25, 72, 84, 95, Weingardt further teaches incrementing the jackpots based on wager percentages wherein the larger jackpot receives a larger percentage incremented to the jackpot then smaller jackpots as illustrated in column 10.

Further regarding claim 33, 80, 91 and 102, wherein the number of paylines activated by the second wager is identical to a number of paylines activated by the first wager amount, Weingardt teaches such limitations in that the identical amount of paylines being one.

Further regarding claim 82 and 93, Weingardt teaches the elements of the claim 82 as discussed above and further teaches a machine with a wager detector and multiple progressive jackpots associated with the gaming machines and the gaming machine displays a number of rotating elements which come to rest showing a combination of

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symbols representing a gaming result (fig. 1, 6:35-45) and paying the largest of either a first progressive jackpot or a second progressive jackpot if the result of the game is a winning jackpot event (fig. 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 32, 34, 79, 81, 90, 92, 101 and 103 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weingardt et al. in view of Manship et al. (US 5,393,061).

Weingardt teaches the limitations of claim 32, 71 and 82 as discussed above, however Weingardt fails to explicitly teach a wager activating a plurality of paylines. Manship however teaches a conventional fruit type slot machine as briefly discussed by Weingardt (6:35-45) wherein Weingardt states that the invention of multiple progressives may also be applied to said conventional fruit type slot machines. Therefore it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement multiple paylines with the conventional slot machine and multiple progressive jackpot of Weingardt in order to increase player interest and volume of play by allowing players to wager on multiple paylines at once which generates increased revenue for casino operators.

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Regarding claim 34, 81, 92 and 103, the number of playlines activated by the second wager amount is larger than a number of paylines activated by the first wager amount. The prior art teaches the claimed limitations in that Weingard awards progressive jackpots based on wager amount and Manship teaches multiple paylines and therefore should a player wager more paylines than a first wager than the second wager would be of greater amount and therefore be eligible for a higher progressive award.

Response to Arguments

Applicant's arguments with respect to claims 24-34 and 71-103 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dat T. Nguyen whose telephone number is (571) 272-2178. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dat Nguyen


Robert Pezzuto
Supervisory Patent Examiner
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